

C O U N C I L C O M M U N I C A T I O N

TO : THE CITY COUNCIL
FROM: THE CITY MANAGERS OFFICE

COUNCIL MEETING DATE
MARCH 16, 1988

SUBJECT: CONSIDER PETITION RECEIVED FROM RESIDENTS IN THE AREA OF 1930 HOLLY DRIVE, LODI,
OPPOSING THE NEW PROPOSED HOURS OF THE QUIK STOP MARKETS, INC., LOCATED AT THAT
ADDRESS.

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council review the attached petition
and letter concerning a proposal to operate the Quik
Stop Market, 1930 Holly Drive, on a 24-hour per day
basis and take action as deemed appropriate.

BACKGROUND INFORMATION: At its regular meeting of March 2, 1988 the City
Council received a petition (Exhibit B) and letter
(Exhibit C) from residents in the vicinity of the
Quik Stop Market, 1930 Holly Drive, in opposition to
a proposal by the market operators to keep the store open 24 hours per day.
The City Council directed the staff to place this item on the agenda with
appropriate notification to the principles involved. Accordingly, the
petition circulator, the market manager and officials at the Quik Stop
Markets, Inc. headquarters in Fremont have been advised that this item would
be placed on this agenda.

Also attached (Exhibit A) is a copy of the Council
Communication on this matter prepared by the Community Development Director
and reviewed by the City Council at the March 2 meeting, and a copy of an
Application for Alcoholic Beverage license (Exhibit D) indicating a sale of
this business which becomes effective March 11, 1988. In accordance with
State law, the City Council has 30 days to file a response to the Alcoholic
Beverage Control Board if it chooses. The Council may wish to communicate to
the Board its position on the proposed 24-hour operation.

Respectfully submitted,



Thomas A. Peterson
City Manager

TAP:br

Attachments

TXTA.07A COUNC334

TO: THE CITY COUNCIL

DATE:

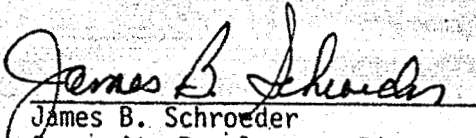
NO.

RECOMMENDED ACTION: The City Council has received a petition from the residents in the area of the Quik Stop Market at 1930 Holly Drive objecting to the store being opened 24 hours a day. The Council should review the matter and take appropriate action.

BACKGROUND INFORMATION: The Quik Stop Market under discussion, has residential development on its north, east and south sides and General Mills to the west. The site was for many years occupied by a neighborhood automobile service station which operated during the daytime and early evening.

Each time the market changes management (ownership) the neighbors become concerned about the establishment of a 24 hour operation near their residences. Thus far the staff has used friendly persuasion with the company's head office to control the hours. The homeowners and renters in this area want some permanent assurance that the store will keep reasonable hours.

The homes in this area are shielded from General Mills by a high masonry wall along North Mills Avenue. The convenience store gives the residents more concerns than the large manufacturing plant.


James B. Schroeder
Community Development Director

CC/1.13/TXTD.01B

DECLARATION OF MAILING

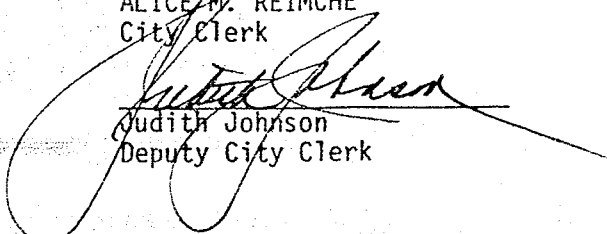
on March 10, 1988 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 10, 1988, at Lodi, California.

ALICE M. REIMCHE
City Clerk



Judith Johnson
Deputy City Clerk

DEC/01
TXTA.02D

EXHIBIT A



CITY OF LODI

CITY COUNCIL CHAMBERS
221 W. Pine Street, Lodi

CITY COUNCIL AGENDA REGULAR MEETING--WEDNESDAY

Date: March 16, 1988
Time: 7:30 p.m.

Res. No. 88-33
Ord. No. 1423

- A. Roll call
- B. Invocation - Dr. Wayne Kildall, Center of Hope
- C. Pledge of allegiance
- D. Presentations
 - 1. Presentation by representatives of the Lodi Arts Commission regarding the proposed formation of a Lodi Chamber Orchestra (Discussion and appropriate action)
 - 2. Awards - None
 - 3. Proclamation
 - a) Recognizing the tenth anniversary of the Center of Hope
- E. Consent calendar
 - 1. Claims - \$1,341,209.03 (Motion)
 - 2. Minutes - None
- Res.88-33 3. Adopt Resolution of Intention to vacate a portion of the public utility easements along the east line of Lower Sacramento Road, between Taylor Road and Vine Street, and the north and south lines of St. Moritz Drive (Res.)
- Res.88-34 4. Adopt Resolution of Intention to vacate a portion of the public utility easement along the west line of 122 Rivergate Place (Res.)
- Res.88-35 5. Award contract for Well Drilling, Well 1-R, 705 East Lodi Avenue (Res.)
- Res.88-36 6. Award contract for Municipal Service Center Electrical Storage Remodel, 1331 South Ham Lane (Res.)
- 7. Approve specifications for the purchase of conventional pole-mounted transformers, EUD 88-3, and authorize advertising for bids (Motion)
- 8. Approve specifications for the purchase of padmount transformers, EUD 88-4, and authorize advertising for bids (Motion)

9. Approve specifications for the purchase of wood utility poles and authorize advertising for bids (Motion)
 10. Approve plans and specifications for Softball Complex Fence Replacement, 431 North Stockton Street, and authorize advertising for bids (Motion)
 11. Approve plans and specifications for Orange Avenue/Mariposa Way Water Main and Lawrence Avenue Water Main, Main Street to Washington Street, and authorize advertising for bids (Motion)
- Res.88-37 12. Accept improvements at 225 West Lockeford Street (Res.)
13. Accept improvements under contract for electric substructures, Lower Sacramento Road, Rutledge Drive and Turner Road, EUD 87-13 (Motion)
 14. Approve Right-of-entry Agreement - 321 South Hutchins Street, Lodi (Motion)
 15. Authorize City Manager and City Clerk to execute Agreement for Architectural Services for design of Hutchins Street Square Senior Complex (Motion)

F. Comments by City Council Members

G. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code §54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter to staff for review and placement on a future City Council agenda.

H. Public hearings - None

I. Planning Commission - No meeting since last report

J. Communications (City Clerk)

1. Claim filed against the City of Lodi

a) Reyas Quintero, DOL 8/26/87 (Motion)

2. Alcoholic Beverage License Applications

- a) Ahmad A. Khalaf, Stop In Market, 420 East Kettleman Lane, Suite B-6, Lodi, Off Sale Beer and Wine, New License
- b) Michael Lee Pickett, Robert L. Pierce, Archie's Giant Hamburgers, 506 West Lodi Avenue, Lodi, On Sale Beer and Wine Eating Place, Original License
- c) Debra D. and Edward D. Sequeira, ARCO AM/PM Mini Market, 501 West Kettleman Lane, Lodi, Off Sale Beer and Wine, Person to Person Transfer
- d) Donald W. Lamson, Jack Pot Mini Market, 401 South Cherckee Lane, Lodi, Off Sale Beer and Wine, Person to Person Transfer

(Information only)

3. Miscellaneous

- a) Letter from King Videocable Company advising that effective April 1, 1988 it is increasing the rate for its package that includes basic service plus two premium services. Further, the letter advises that on April 1, 1988 King Videocable will begin providing 35 channel service, with 30 channels provided on basic service. (Information only)
- b) Letter received from Ron Williamson, Director, Parks and Recreation Department, advising of the resignation of Dean Devine from the Parks and Recreation Commission (Motion)

K. Regular calendar

- 1. Consider petition received from residents in the area of 1930 Holly Drive, Lodi, opposing the new proposed hours of the Quik Stop Markets, Inc., located at that address (Discussion and appropriate action)
- 2. Request of Wine and Roses Country Inn, 2505 West Turner Road, Lodi, for a one year extension to complete offsite improvements at that location (Discussion and appropriate action)
- Res.88-38 3. Consider amending the Lodi Housing Rehabilitation Guidelines pertaining to the single-family housing rehabilitation program to include a statement of no interest charges on deferred payment loans (Res.)
- 4. Review of the City Hall handicapped accessibility project (Discussion and appropriate action)
- 5. Report regarding fuel adder (Discussion and appropriate action)

L. Ordinances - None

CITY COUNCIL AGENDA
MARCH 16, 1988
PAGE NO. FOUR

M. Closed Session regarding:

1. Property acquisition - 107, 109 North School Street
2. Personnel matter

N. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this Agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Alice M. Reimche
Alice M. Reimche, City Clerk

For information concerning this Agenda
please contact Alice M. Reimche, City Clerk,
Telephone - 333-6702

EXHIBIT B

473-1673

Doan

Cano

hie, the undersign, appose the new proposed hours of the Quik Stop Markets, Inc. located at 1930 Holly Drive, Lodi, Ca. The plans are for the store to be open 24 hours. We appose this new proposed hours because this is a residential area and new hours would increase theft, vandalism, Traffic, and litter in the area.

NAME	ADDRESS	PHONE
1. Aracely Cabrera	1900 Holly Dr. Lodi, Ca	368-7890
2. Juana B. Cantu	1900 Holly Dr. Lodi Ca	368-3890
3. Jose B. Cabrera	1900 Holly Dr. Lodi Ca	368-7890
4. Maria Cabrera	1900 Holly Dr. Lodi Ca	368-7890
5. Olga Lopez	1907 Holly Dr. Lodi, CA	334-4956
6. Aaron Valdez	1907 Holly Dr. Lodi, CA	334-4956
7. Anthony Lopez	1907 Holly Dr. Lodi, CA	334-4956
8. Ana Lorena Valdez	1907 Holly Dr. Lodi, CA	334-4956
9. Edward Neff	1913 Holly Dr. Lodi, CA	334-1504
10. Joseph Neff	1913 Holly Dr. Lodi, CA	334-1504
11. Jennifer Neff	1913 Holly Dr. Lodi, CA	334-1504
12. Dennis Saragoza	1925 Holly Dr. Lodi, CA	334-4618
13. Florence B. Hensley	1931 Holly Dr. Lodi	369-3789
14. Le Roy Hensley	1931 HOLLY DR Lodi	369-3789
15. Stefanie Wilson	1901 Holly Dr. Lodi	333-8022
16. Nadine Hatz	1819 Holly Dr. Lodi	369-3277
17. Claire Wilcox	1813 Holly Dr.	
18. Diana Smith	1810 Holly Dr. Lodi	369-9563
19. J. Bustam	1800 Holly Dr. Lodi	369-7616
20. Adeline Unruh	1901 Loma Dr. Lodi	368-2397
21. Rhonda Unruh	901 Loma Drive Lodi	368-2397
22. Karen L. Thomason	818 James St. Lodi	369-5488
23. Kenneth Thomas	818 James St. Lodi	369-5488
24. Alvin J. Cherry	819 James St. Lodi	339-4101
25. Wanda J. Cherry	819 James St. Lodi	339-4101

CITY OF LODI

CITY HALL, 221 W. PINE ST.
CALL BOX 3006
LODI, CALIFORNIA 95241-1910

Quik Stop Markets, Inc.
P. O. Box 5745
Fremont, CA 94538

Attn: Larry Kranich

CITY OF LODI

CITY HALL, 221 W. PINE ST.
CALL BOX 3006
LODI, CALIFORNIA 95241-1910

Mr. Oscar Cano
Manager
Quick Stop Market
1930 Holly Drive
Lodi, CA 95242

EXHIBIT B

City Council
221 W. Pine Street
Lodi, Ca 95240

March 13, 1988

RECEIVED

1988 MAR 15 AM 9:11

ALICE H. REIMCHE
CITY CLERK
CITY OF LODI

Dear Sirs:

Since it appears that I will not be able to attend your meeting on March 16, 1988 due to the stairs, I would like to explain the reasons why I signed the petition that was submitted to the City Council from the some of the residents in the 1800 and 1900 Holly Drive area. The ^{proposed} hours of the Duik Stop market.

Because there is more people going thru our neighborhood due to the Duik Stop market, I have noticed:

1. An increase in burglaries in the area. The store itself has been burglarized three times. Twice in the last twelve months. The house across the street was recently burglarized and set on fire.
2. Vandalism increased. One of our cars had a bottle thrown at it and the VW someone jumped on the hood and caused extensive damage. My sister's van had its back lights kicked and antenna broken. Some of our plants were uprooted and cut etc.
3. The traffic has increased and this is no longer a peaceful neighborhood.

4. Litter - Since I live next to the Quik Stop Market, I get more litter from the store's customers than any other house in the area. The children that attend Woodbridge School stop at the store every school day. The children leave a trail of wrappers, caps and junk on my property. I cannot pick up the garbage myself due to my handicap and my parents are elderly and have a hard time keeping our property clean. I do not know how much longer they will be able to pick up the litter.

I feel that as a property owner, I have rights too! There should be some limits on the hours a store can remain open in a residential area to prevent an increase on the items I have mentioned above.

I hope you can help us and limit the hours of the Quik Stop Market.

Sincerely

Maria J. Cabrera

1900 Holly Dr.

Folsom, Ca 95242

EXHIBIT B

We, the undersign, appose the new proposed hours of the Quik Stop Markets, Inc. located at 1930 Holly Drive, Lodi, Ca. The plans are for the store to be open 24 hours. We appose this new proposed hours because this is a residential area and new hours would increase theft, vandalism, Traffic, and litter in the area.

NAME	ADDRESS	PHONE
1. Grace G. Cabrera	1900 Holly Dr. Lodi, Ca	368-7890
2. Guana B. Cantu	1900 Holly Dr. Lodi Ca	368-5890
3. Jose G. Cabrera	1900 Holly Dr. Lodi Ca	368-7890
4. Maria Cabrera	1900 Holly Dr. Lodi Ca	368-7890
5. Olga Lopez	1907 Holly Dr. Lodi, Ca	334-4956
6. Aaron Valdez	1907 Holly Dr. Lodi, Ca	334-4956
7. Anthony Lopez	1907 Holly Dr. Lodi, Ca	334-4956
8. Ana Lorena Valdez	1907 Holly Dr. Lodi Ca	334-4956
9. Edward Neff	1913 Holly Dr. Lodi Ca	334-1504
10. Joseph Neff	1913 Holly Dr. Lodi Ca	334-1504
11. Jennifer Neff	1913 Holly Dr. Lodi Ca	334-1504
12. Dennis Saragoza	1925 Holly Dr. Lodi Ca	334-4618
13. Florencia B. Gonzalez	1931 Holly Dr. Lodi	369-3789
14. Le Roy Gonzalez	1931 HOLLY DR Lodi	369-3789
15. Stefanie Wilson	1901 Holly Dr. Lodi	333-8022
16. Nadine Hatz	1819 Holly Dr. Lodi	369-3277
17. Claire Wilcox	1813 Holly Dr.	
18. Diana Smith	1810 Holly Dr. Lodi	369-9563
19. J. Bustlen	1800 Holly Dr. Lodi	369-7616
20. Adeline Urub	1901 Loma Dr. Lodi	368-2397
21. Rhonda Urub	901 Loma Drive Lodi	368-2397
22. Karen L. Thomason	818 James St. Lodi	368-5488
23. Kenneth Thomas	818 James St. Lodi	368-5488
24. Alvin J. Cherry	819 James St. Lodi	339-4101
25. Wanda J. Cherry	819 James St. Lodi	339-4101

EXHIBIT C

City Council
221 W. Pine St
Lodi, Ca

Feb. 18, 1988

RECEIVED

1988 FEB 19 AM 10:03

Dear Sirs:

ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

The residents of the 1900 and 1800 Holly Drive, Lodi area submitted a petition to the City Clerk on February 10, 1988. The petition was started because we found out that the Quik Stop Market, Inc. located at 1930 Holly Drive is going to have new franchise owners beginning March 1988 and the new owners intend to be open 24 hours. The residents are very much opposed to having the store open anymore hours because this a residential area and would only increase theft, vandalism traffic and litter to the area.

I, personally, intended to take this matter to the City Council meeting on February 17, 1988, until I found out that a person on a wheelchair cannot attend your meetings due to the many stairs. Your receptionist suggested that I could watch the meeting on Cable TV or have someone represent me. I did not like either of her suggestions so that is why I am writing this letter.

I am very unhappy that I could not attend your meeting to express our problems that we have with the store and how bad it will get if you allow them to stay open 24 hours.

All we want is, that when the new owners request to increase the hours of the store, that you keep us in mind before you make a decision and not allow them to increase the hours.

This use to be a nice quiet neighborhood and it not anymore. The Quick Stop market and the people it draws have change this area and it has been to the worse.

Grace Cabrera
1700 Holly Dr.
Ft. Collins, Co 95442